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PTO/SB/21 (08-00)  
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

15

Application Number 09/910,345

Filing Date July 20, 2001

First Named Inventor H. Michael Shepard

Group Art Unit 1645

Examiner Name Not Yet Assigned

Attorney Docket No. NB 2017.00

## ENCLOSURES (check all that apply)

 Fee Transmittal Form Assignment Papers  
(for an Application) After Allowance Communication to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Reply Licensing-related Papers Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) After Final Petition Proprietary Information Affidavits/declarations Petition to Convert to a Provisional Application Status Letter Extension of Time Request Power of Attorney, Revocation  
Change of Correspondence Address Other Enclosure(s) (please identify below): Express Abandonment Request Terminal DisclaimerStatement to Support Filing and Submission  
in Accordance with 37 C. F. R. §§ 1.821-  
1.825, Paper Copy of Sequence Listing,  
Copy of Notice to Comply, Computer  
Readable Diskette Containing Copy of  
Sequence Listing and Return Receipt  
Postcard Information Disclosure Statement Request for Refund CD, Number of CD(s) \_\_\_\_\_ Certified Copy of Priority Document(s)

Remarks

 Response to Missing Parts/  
Incomplete Application Response to Missing Parts  
under 37 CFR 1.52 or 1.53

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Antoinette F. Konski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
-------------------------------	--

Signature

Date

Nov. 18, 2002

## CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail addressed to: U.S. Patent & Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, on this date: November 18, 2002

  
Mary R. Zimmerman

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/910,345
Filing Date	July 20, 2001
First Named Inventor	H. Michael Shepard
Examiner Name	Not Yet Assigned
Group Art Unit	1645

## TOTAL AMOUNT OF PAYMENT

(\$55.00)

Attorney Docket No. NB 2017.00

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number  
50-1189Deposit Account Name  
Bingham McCutchen LLP

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

- Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
* 20	- 3** =	*	x = \$	140.00 = \$
Multiple Dependent				

Other fee (specify) \_\_\_\_\_

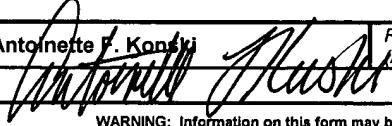
\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$55.00)

\*\* or number previously paid, if greater; For reissues, see above.

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Antoinette F. Koniski	Registration No. (Attorney/Agent)	34,202	Telephone	(650) 849-4950
Signature				Date	Nov. 18, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



Docket No. NB 2017.00

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the U.S. Patent & Trademark Office, Arlington, VA 22202.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: November 18, 2002

Name of Person Certifying:

Printed Name: Mary R. Zimmerman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: H. Michael Shepard, et al.

Filing Date: July 20, 2001

Examiner: Not Yet Assigned

Serial No.: 09/910,345

Group Art Unit: 1645

Title: METHODS FOR IDENTIFYING THERAPEUTIC TARGETS  
FOR TREATING INFECTIOUS DISEASE

**RESPONSE TO NOTICE TO COMPLY**

U.S. Patent & Trademark Office  
Box Sequence  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

This Response is submitted in reply to the Notice to Comply with Sequence Requirements issued by the U.S. Patent and Trademark Office on August 16, 2002, in connection with the above-identified application. A response to this Notice is due two months from the date of issuance, i.e., on or before October 16, 2002. Enclosed herewith is a Petition for a One Month Extension of Time and authorization to charge the fee due to the undersigned's Deposit Account. In view of the filing of this Petition and payment of the fee, a response is now due November 16, 2002. However, because November 16, 2002, falls on a Saturday, a response filed the next business day, namely Monday, November 18, 2002, is considered timely under 37 C.F.R. § 1.8. Accordingly, this Response is timely filed.

The August 16, 2002 Notice, copy attached, indicated that the sequence failed to comply with the sequence rules, for example, for failure to identify the "artificial sequence" noted in field 213 of Seq. ID NO.: 2. Enclosed herewith is a replacement diskette having recorded thereon the information submitted with the paper copy, also enclosed herewith. Also enclosed is a statement submitted by the individual who prepared the computer and paper copy of the sequence listing that the paper and the electronic copy are identical.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1189**, billing reference number **23896-7101**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: November 18, 2002

By:   
Antoinette F. Konski  
Reg. No. 34,202

Bingham McCutchen LLP  
Formerly McCutchen, Doyle, Brown & Enersen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, CA 94111  
Telephone: (650) 849-4950  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/910,345	07/20/2001	H. Michael Shepard	NB 2017.00

Antoinette F. Konski  
McCutchen, Doyle, Brown & Enersen, LLP  
18th Floor  
Three Embarcadero Center  
San Francisco, CA 94111

**CONFIRMATION NO. 4437**  
**FORMALITIES LETTER**



\*OC00000008642640\*

Date Mailed: 08/16/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE